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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,611	06/29/2001	Akihiro Fujiwara	35.G2840	6494
5514	7590	08/12/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			NGUYEN, LUONG TRUNG	
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NEW YORK, NY 10112			PAPER NUMBER	
			2612	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/893,611	Applicant(s) FUJIWARA, AKIHIRO	
	Examiner LUONG T. NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I (Figures 1A-1D, 2 and 3) in the reply filed on 4/15/2005 is acknowledged. The traversal is on the ground(s) that (1) the various species are closely related and that claims could be searched by one examiner without undue effort and a duplicative search by two examiners may possibly produce inconsistent results; (2) if one examiner acts on all the claims of the present application, overall examining time will be less than if two examiners are involved; (3) examination of all the claims by one examiner will best ensure that there will be uniform prosecution quality. This is not found persuasive because the reasons discussed below.

Examiner considers that the invention, as disclosed, includes three different species as discussed below, and if the Applicant files a divisional application, the divisional application is still assigned to the same Examiner, therefore, the application will be searched by one examiner.

The disclosure discloses three distinct species in three different embodiments, for example, Species I (first embodiment), which is disclosed in Figures 1A-1D, 2 and 3, which comprises interchangeable lens unit 1, which is not disclosed in Figure 4 (Species II) and is not disclosed in Figures 5A-5C (Species III). Further, Figure 4 discloses photographing lens unit 1 is combined with camera unit 3 into one piece (Specification, Page 16), which is not disclosed in Figure 3 (Species I); and Figures 5A-5C disclose a system with two cameras 3R and 3L (Specification, Page 17, Lines 5-8), which is not disclosed in Figure 3 (Species I).

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In view of this, mere evidence of several patentably distinct embodiments is prima facie evidence of examining burden of the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

2. After carefully reviewing the Application, the Examiner agrees that all claims 1-8 read on elected species I (Figures 1A-1D, 2 and 3). Claims 1-3, 5 and 7 are generic claims. Claim 4, which recites the feature “interchangeable lens unit”, which only read on Figure 3 (Species I), therefore, claim 4 is not a generic claim.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 2, 6, 8 are objected to because of the following informalities:

Claim 2 (line 6), "a first" should be changed to --the first--;

Claim 2 (line 7), "a second" should be changed to --the second--;

Claim 6 (line 10), claim 8 (line 10), "a recording medium" should be changed to --the recording medium--;

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogino et al.

(U. S. Patent No. 6,864,910).

Regarding claim 1, Ogino et al. discloses a stereoscopic photographing lens unit (lens unit 1, Figure 1, Column 4, Lines 37-65) that is attached to a camera main unit (camera body 2, Figure 1, Column 4, Lines 37-46) and has a first photographing optical axis and a second photographing optical axis (optical axes 4 and 5, Figure 1, Column 5, Lines 23-37), comprising:

control means for controlling photographing optical system (lens microcomputer 127, Figure 1, Column 4, Lines 57-65);

transmitting means for transmitting predetermined information of the photographing optical system, including control information provided by the control means, to the camera main unit (predetermined data communication and control signals are exchanged between lens microcomputer 127 and the camera computer 208 via arrow 7, Figure 1, Column 4, Line 57 – Column 5, Line 4).

Regarding claim 2, Ogino et al. discloses wherein photographing lens unit according to said transmitting means transmits first information regarding a focal length (focal length, Column 11, Lines 50-58, Column 13, Lines 13-29) of the photographing optical system, second information regarding the interval (base length, Figure 1, Column 5, Lines 45-50, Column 11, Lines 50-58) between the incident optical axes of a first photographing optical axis and a second photographing optical axis, and third information regarding the angle (it is noted that the optical axes 4 and 5 are placed on the same plane and almost intersected at predetermined position, which is referred as converge distance, Column 5, Lines 32-36, Column 13, Lines 13-29) formed by the incident optical axes of the first photographing optical axis and the second photographing optical axis to the camera main unit in the form of digital values (it is noted that since focal length, base length, convergence distance are stored in ROM 130, 152, they are digital values, Column 13, Lines 13-29).

Regarding claim 3, Ogino et al. discloses a recording medium (ROM 130, Column 13, Lines 13-29) for storing the predetermined information of the photographing optical system.

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Regarding claim 4, Ogino et al. discloses the stereoscopic photographing lens unit is interchangeable with respect to the camera main unit, and transmits the predetermined information of the photographing optical system through a mounting contact to the camera main unit (lens unit 1 is interchangeable with respect to camera body 2, Figure 1, Column 4, Lines 37-67).

Regarding claim 5, Ogino et al. discloses a stereoscopic photographing apparatus (a stereoscopic video photographing apparatus, Figure 1, Column 4, Lines 37-40) that has a first photographing optical axis and a second photographing optical axis (optical axes 4 and 5, Figure 1, Column 5, Lines 23-37), and switches picture signals for left eye and right eye (image for the right eye and image for the left eye are alternately picked up by CCD 200, Figure 1, Column 9, Lines 1-7), respectively, for each field through the intermediary of the respective photographic optical axes before inputting an images, comprising:

control means for controlling a photographing optical system (lens microcomputer 127, Figure 1, Column 4, Lines 57-65);

recording means for recording predetermined information (predetermined data communication is stored in ROM 130, Figure 1, Column 4, Line 67 – Column 5, Line 4) of the photographing optical system, including control information (control signals, Figure 1, Column 4, Lines 57-65) provided by the control means, and information regarding whether the odd/even field of an input picture signal corresponds to a picture signal for left eye or right eye to a recording medium (ROM 103, information on the even/odd field may be communicated through data communication between the lens microcomputer 127 and the camera microcomputer 208,

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Column 8, Line 65 - Column 9, Line 22) in the form of digital values, together with picture signals or picture signals and speech signals (since the viewer recognizes the right and left images alternately displayed on EVF 3, the information regarding whether the odd/even field of an input picture signal corresponds to a picture signal for left eye or right eye to a recording medium together with picture signals, Column 8, Line 65 - Column 9, Line 52).

Regarding claim 7, Ogino et al. discloses a photographing system (a stereoscopic video photographing apparatus, Figure 1, Column 4, Lines 37-40) for recording picture signals simultaneously input by a right-eye photographing apparatus and a left-eye photographing apparatus to a recording medium by switching the picture signals for each field (image for the right eye and image for the left eye are alternately picked up by CCD 200, Figure 1, Column 9, Lines 1-7), comprising:

control means for controlling each photographing optical system (lens microcomputer 127, Figure 1, Column 4, Lines 57-65);

recording means for recording predetermined information (predetermined data communication is stored in ROM 130, Figure 1, Column 4, Line 67 - Column 5, Line 4) of the photographing optical systems, including control information (control signals, Figure 1, Column 4, Lines 57-65) provided by the control means, and information regarding whether the odd/even field of an input picture signal corresponds to a picture signal for left eye or right eye to a recording medium (ROM 103, information on the even/odd field may be communicated through data communication between the lens microcomputer 127 and the camera microcomputer 208, Column 8, Line 65 - Column 9, Line 22) in the form of digital values,

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together with picture signals or picture signals and speech signals (since the viewer recognizes the right and left images alternately displayed on EVF 3, the information regarding whether the odd/even field of an input picture signal corresponds to a picture signal for left eye or right eye to a recording medium together with picture signals, Column 8, Line 65 - Column 9, Line 52).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (U. S. Patent No. 6,864,910).

Regarding claim 6, Ogino et al. discloses wherein photographing apparatus according to said recording means records first information regarding the focal length (focal length, Column 11, Lines 50-58, Column 13, Lines 13-29) of the photographing optical system, second information regarding an interval (base length, Figure 1, Column 5, Lines 45-50, Column 11, Lines 50-58) between the incident optical axes of a first photographing optical axis and a second photographing optical axis, and third information regarding the angle (it is noted that the optical axes 4 and 5 are placed on the same plane and almost intersected at predetermined position, which is referred as converge distance, Column 5, Lines 32-36, Column 13, Lines 13-29) formed by the incident optical axes of the first photographing optical axis and the second photographing optical axis to a recording medium.

Ogino et al. fails to specifically disclose recording fourth information, which is the information regarding the angle of view calculated from the screen size of an image pick-up device and the first information. However, Ogino et al. discloses the storing focal length, image size of the image sensor (Column 13, Lines 13-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate an angle of view (a fourth information) from focal length and image size of the image sensor, and then store the angle of view in order to provide more operational information. This allows more operability of the system.

Regarding claim 8, Ogino et al. discloses wherein photographing apparatus according to said recording means records first information regarding the focal length (focal length, Column 11, Lines 50-58, Column 13, Lines 13-29) of the photographing optical system, second information regarding an interval (base length, Figure 1, Column 5, Lines 45-50, Column 11, Lines 50-58) between the incident optical axes of a first photographing optical axis and a second photographing optical axis, and third information regarding the angle (it is noted that the optical axes 4 and 5 are placed on the same plane and almost intersected at predetermined position, which is referred as converge distance, Column 5, Lines 32-36, Column 13, Lines 13-29) formed by the incident optical axes of the first photographing optical axis and the second photographing optical axis to a recording medium.

Ogino et al. fails to specifically disclose recording fourth information, which is the information regarding the angle of view calculated from the screen size of an image pick-up device and the first information. However, Ogino et al. discloses the storing focal length,

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image size of the image sensor (Column 13, Lines 13-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate an angle of view (a fourth information) from focal length and image size of the image sensor, and then store the angle of view in order to provide more operational information. This allows more operability of the system.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uomori (U. S. Patent No. 5,726,704) discloses stereoscopic image pickup and display apparatus.

Katayama et al. (U. S. Patent No. 6,141,036) discloses image recording and reproducing apparatus.

Ogino (U. S. Patent No. 6,762,794) discloses image pick-up apparatus for stereoscope.

Ogino (U. S. Patent No. 6,862,140) discloses stereoscopic image pickup system.

Suzuki et al. (U. S. Patent No. 6,888,563) discloses imaging sensing apparatus.

Sugawara (U. S. Patent No. 6,751,020) discloses stereoscopic image pickup system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
08/07/05



LUONG T. NGUYEN
PATENT EXAMINER